UNITED STATES BANKRUPTCY COURT EASTERN DISTRICT OF PENNSYLVANIA

IN RE: ANTHONY J. RIEGEL, : Chapter 13

:

Debtor : **Bky. No. 16-13769 ELF**

ORDER

AND NOW, the Debtor's chapter 13 plan having been confirmed by Order dated **December 20, 2016**;

AND, upon consideration of the Application for Compensation (Doc. # 83) filed by the Debtor's counsel ("the Applicant"), in which the Applicant requested the allowance of compensation in the amount of \$7,500.00 and the reimbursement of expenses in the amount of \$477.00;

AND, upon the Applicant's certification that proper service has been made on all interested parties and upon the Applicant's certification of no response;

AND, notwithstanding the absence of an objection to the request for compensation, the Court of Appeals having held that the bankruptcy court "has a duty to review fee applications, notwithstanding the absence of objections by the United States trustee . . ., creditors, or any other interested party, a duty which . . . derives from the court's inherent obligation to monitor the debtor's estate and to serve the public interest," <u>In re Busy Beaver Bldg. Centers, Inc.</u>, 19 F.3d 833, 841 (3d Cir. 1994) (emphasis in original);

AND, after a hearing;

AND, the court finding it appropriate to disallow, in part, the Applicant's request for

compensation,1

It is hereby **ORDERED** that:

- 1. The Application is **GRANTED IN PART AND DENIED IN PART.**
- Compensation in the amount of \$6,375.00 and reimbursement of expenses in the amount of \$477.00 are ALLOWED to the Applicant.
- 3. The Chapter 13 Trustee chapter 13 is authorized to distribute to the Applicant as an

Initially, the time records submitted in the form of invoices total \$6,987.50, not \$7,500.00. So, that lower amount is the starting point in determining the compensation to be allowed.

Second, a few time entries were problematic, as described in the table below, resulting in the disallowance of \$787.50.00.

Date	Name	Activity	Time Spent /	Reduction	Reason
5/25/16	AA	file documents with court	Time Allowed 0.50 / 0.20	112.50	clerical task; excessive time spent
6/8/16	AA	draft motion for extension of time to file schedules	0.90 / 0.20	262.50	excessive time spent
6/8/16	AA	file motion for extension of time to file schedules	0.30 / 0.10	75.00	clerical task; excessive time spent
6/13	AA	review ct. order granting extension of time	0.30 / 0.10	75.00	excessive time spent
11/22/16	AA	amend plan; complete DSO; file; advise client	1.70 / 1.0	262.50	lumping of tasks; excessive time spent

However, I will make a final adjustment. The last time entry was on **November 28**, **2016**. The plan was confirmed almost one (1) month later. I will assume that the Applicant expended some additional time in that period. As a result, I will add back \$175.00, resulting in a net deduction of \$612.50 from the \$6,987.50 "starting point."

I have made two (2) types of deductions.

administrative expense pursuant to 11 U.S.C. \$1326(b), 11 U.S.C. \$507, 11 U.S.C. \$503(b) and 11 U.S.C. \$330(a)(4)(B), the allowed compensation and expense reimbursement set forth in \$2 less \$4,500.00 which was paid by the Debtor prepetition, to the extent such distribution is authorized under the terms of the confirmed chapter 13 plan.

Date: March 2, 2017

ERIC L. FRANK CHIEF U.S. BANKRUPTCY JUDGE